

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action mailed 01/29/08, Applicant amends claims and discusses the prior arts of record and further argues that the prior arts of record do not teach the claim limitations (see page 10+ of Applicant's Remarks). In response, Examiner disagrees. Examiner notes Applicant's arguments, however, McKenna discloses a distribution system 10 with a home base/Uplink 12/14 which tracks the history of each site 18 to collect data and customizes schedule of services at anytime and delivers different digital entertainment content (DEC), to each site based on the history or survey or depending upon its (Site 18) needs (page 2, [0015-0018] and [0028]). Furthermore, McKenna teaches that various guests, are first presented with an interactive schedule of services, containing textual or visual alerts and based on the responds received (history or survey), the DEC is updated accordingly and at anytime (page 4, [0033]) to deliver the customized services to each site (page 3, [0028], [0030-0031]). In addition to polling of Sites information to customized content based on its needs, McKenna further refers to application **09/724,289 (Banker et al Pat. No. 7272844)** for further description of the distribution system where Banker uses surveys, opinion polls, etc., to provide various interactive services to guest in hotels (figs.1-3 and col.2, line 36-col.4, line 12). McKenna fails to explicitly teach where the surveys, comprises question(s) to the user/guest and where the inquiries includes guest

satisfaction or dissatisfaction. However, in the same field of endeavor **Herz** discloses in figures 1-10, a system and method for scheduling broadcast of and access to video programs and other data using customer profiles where the survey includes a plurality of questions to fill out to generate a profile of user(s)/guest and where the inquiries includes guest satisfaction or dissatisfaction including inquiries as to specific products/goods/services and customizes content to user(s), groups and localities including hotels (col.12, lines 26-40, col.18, lines 28-57, col.23, line 40-col.24, line 2, col.35, lines 6-16, col.39, lines 5-16, col.50, lines 22-28, line 48-col.51, line 25 and col.53, lines 20-47). Hence the amended claims do not overcome the prior arts of record as discussed below. The amendment to the claims necessitated the new ground(s) of rejection discussed below. **This office action is made final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 and 13-21 are rejected under 35 U.S.C. 103(a), as being unpatentable over **McKenna et al (2003/0005449)** in view of **Herz et al (6,088,722)**.

As to claims 1-4, note the **McKenna** reference figure 1, discloses system and method for content delivery to lodging entertainment systems and further discloses a method and system for conducting a first guest survey (History of Hotel/Site 18-1) of a

guest using a first interactive item selection system (interactive menu or schedule) displayed on a viewing surface of a first television (Guest Terminal or TV-54 of Hotel/Site 18-1) in a guest room of a first hotel or motel entity, and for conducting a second guest survey (History of Hotel/Site 18-N) of a guest using a second interactive item selection system displayed on a viewing surface of a second television in a guest room of a second hotel or motel entity (TV-54 of Hotel or Site 18-N), comprising the steps of:

means for receiving or generating the first guest survey (Hotel/Site 18-1 generates a history or survey stored in Digital Content Receiver 'DCR' 44, page 2, [0018] and transmits to Home Base or Corporate Headquarters of digital entertainment Content system Vendor 'CH-DEC-Vendor' 12 'a central web server'/Uplink-Server/DMZ-34/40 of Uplink 14 'Uplink-14', which is coupled to System Sever 22 for storing the history or survey, page 1, [0015-0018], and based on the history or survey, CH-DEC-Vendor 12 customizes schedule of services to each Hotel/Site 18N, page 3, [0026] and [0028-0030]) where the first guest survey is associated with at least one of a product (On-demand movies, Internet access, interactive video games, interactive services, etc., page 3, [0029-0030]) offered by a first entity (Hotel/Site 18-1) to a user (Guest) of the first interactive item selection system and a service performed by the first entity for the user of the first interactive item selection system (interactive menu or schedule system presented to guest by various remote Hotel/Site 18 or Processors in different geographical locations), note that CH-DEC-Vender 12/14 is coupled to remote Hotel/Site 18N and provides also web videos to various Hotel/Sites (page 4, [0034]);

receiving or generating the second guest survey (History of Hotel/Site 18-N) where the second is associated with at least one of a product offered by a second entity (Hotel/Site 18-N) to a user (Guest) of the second item selection system and a service performed by the second entity for the user of the second interactive item selection system, where the first and the second entity are separate entities (page 1, [0015-0016]), note that each Hotel/Site 18-1 to 18-N are located in many sites in different geographic locations;

storing (CH-DEC-Vendor 12/Uplink-Server/DMZ-34/40 of Uplink-14, page 2, [0016-0018] and page 3, [0031-0032] the first and the second guest survey in a survey database operated by a common provider (CH-DEC-Vendor 12) where the common provider comprises a central web server (on Internet 30) remote from the first entity and the second entity, the central web server being capable of communication with the first and second interactive selection systems ([0018] and [0034]; **also Application No. 09/724,289; U.S. Patent 7,272,844; fig.2, col.2, lines 36-64, col.3, line 40-col.4, line 23, col.5, line 63-col.6, line 27 and col.7, line 51-col.8, line 16**), note that the system includes Internet Server which communicates to a web server to provide web videos;

displaying (Hotel/Site 18N or Processor is configured to display on Guest Terminal or TV-54) a particular item (PPV, On-demand movies, internet access and other interactive services, page 3, [0029-0032]) of the first interactive item selection system on the viewing surface of the first television (Guest TV of Hotel/Site 18-1), where the particular item is associated with the first survey; displaying a further item of the second interactive item selection system of the viewing surface of the second television

(Guest TV of Hotel/Site 18-N) where the further item is associated with the second survey; receiving an electronic request (Guest of Hotel/Site 18-1 interacts to purchase or order the interactive service, using a series of interactive display menus, page 3, [0029-0031]) for the first survey when the user of the first interactive item selection system selects the particular item;

receiving an electronic request at the common provider (Guest of Hotel/Site 18-N interacts to purchase or order the interactive service, using a series of interactive display menus, page 3, [0029-0031]) for the second survey when the user of the second interactive item selection system selects the further item;

displaying at least one portion of the first survey (Customized Schedule files, page 3, [0028-0030] for Hotel/Site 18-1) on the viewing surface of the first television after receiving the electronic request for the first survey; displaying at least one portion of the second survey (Customized Schedule files, page 3, [0028-0030] for Hotel/Site 18-N) on the viewing surface of the second television after receiving the electronic request for the second survey, note that the CH-DEC-Vendor or Uplink-Server/DMZ-34/40 of Uplink-14 transmits the customized schedule files to each Hotel/Site 18 and the Guest interacts with the customized schedule files to order or purchase a particular interactive service;

receiving (CH-DEC-Vendor 12/Uplink-14, page 3, [0029-0032]) an electronic response to the first survey from the user of the first interactive item selection system (Hotel/Site 18-1); receiving an electronic response to the second survey from the user of the second interactive item selection system; and storing (CH-DEC-Vendor 12 or Uplink

Server/DMZ-34/40 of Uplink 14) the response to the first survey and the response to the second survey of in a particular guest response database operated by the common provider (Server 22 of CH-DEC-Vendor 12/Uplink Server/DMZ-34/40 of Uplink 14, page 2, [0020-0023], note that CH-DEC-Vendor or Uplink-14 continuously checks the list to determine if any changes have been made to the list and response to the change of each specific Hotel/Site 18-1 to N and their Guest and attaches sites file to each DEC file in response to the interactive services to the various Guest within each Hotel/Site (page 2, [0022-0023]; page 3, [0028-003] and [0032-0033]).

In addition to monitoring guest(s) and hotel(s) to customized content to various sites based upon its needs, McKenna further refers to **application 09/724,289 (Bankers et al Pat. No. 7272844)**, where Banker discloses a hotel distribution system which uses surveys, opinion polls, etc., to provide various interactive services to guest in hotels (figs.1-3 and col.2, line 36-col.4, line 12)

McKenna fails to explicitly teach where the surveys, comprises question(s) to the user/guest and where the inquiries includes guest satisfaction or dissatisfaction.

However, note the **Herz** reference figures 1-10, discloses a system and method for scheduling broadcast of and access to video programs and other data using customer profiles where the survey includes a plurality of questions to fill out to generate a profile of user(s)/guest and where the inquiries includes guest satisfaction or dissatisfaction including inquiries as to specific products/goods/services and customizes content to user(s), groups and localities including hotels (col.12, lines 26-40, col.18,

lines 28-57, col.23, line 40-col.24, line 2, col.35, lines 6-16, col.39, lines 5-16, col.50, lines 22-28, line 48-col.51, line 25 and col.53, lines 20-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Herz into the system of McKenna to properly generate customer(s) profile and provide desired or targeted multimedia programs to the customer(s) or group of customers with similar taste or to customize or target content to user(s) in a household or localities.

As to claim 5, McKenna further discloses transmitting the first survey from the central web server (CH-DEC-Vendor 12) to the first processor (Hotel/Site 18-1) in a Hypertext Mark-up Language format, and where the step of transmitting the second survey from the central web server to the second processor includes the step of transmitting the second survey in the Hypertext Mark-up Language format (page 3, [0029] and page 3, [0034]).

As to claims 6 and 7, McKenna further discloses transmitting a particular message to a representative of the first entity or the second entity (Hotel/Site 18-1 to N) when at least one portion of the electronic response to the first survey corresponds to a particular predetermined response (page 3, [0031]).

As to claim 8, McKenna further discloses where the central web server (CH-DEC-Vendor 12) includes a first database (System Server 22), and a second database (Uplink Server/DMZ-34/40) located remote from the central web server and the processor (Hotel/Site 18N, page 1, [0015-0018]).

Claim 9 is met as previously discussed with respect to claim 1.

As to claims 10, the claimed "a system for conducting a survey using an interactive item selection system..." is composed of the same structural elements of previously rejected claim 1.

Claim 11 is met as previously discussed with respect to claim 1.

As to claim 13, McKenna further discloses a system comprising at least one server (Uplink Server/DMZ-34/40 of Uplink 14), which is coupled to CH-DEC-Vendor 12 and Hotel/Site 18N, such that CH-DEC-Vendor 12 is coupled to Hotel/Site 18N via Uplink Server/DMZ-34/40 of Uplink 14 (fig. 1 and page 1, [0015-0018]).

As to claim 14, McKenna further discloses where Hotel/Site 18N is located remote from the Guest TV-54 via Network 52 (page 2, [0018]).

Claim 15 is met as previously discussed with respect to claim 5.

Claim 16 is met as previously discussed with respect to claim 6.

As to claim 17, the claimed "a system for conducting a survey using an interactive item selection system..." is composed of the same structural elements of previously rejected claim 1.

Claims 18-21 are met as previously discussed with respect to claim 1.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al (6,970,831) disclose method and means evaluating customer service performance.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Annan Q. Shang